

OCT 04 2006

ROBERT H. SHEMWELL, CLERK
BY *rh* DEPUTY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION

BROOKSHIRE BROTHERS HOLDING, INC., ET AL	§	CASE NO. 2:04cv1150
	§	
VERSUS	§	JUDGE TRIMBLE
	§	
TOTAL CONTAINMENT, INC., ET AL	§	MAG. JUDGE WILSON

ORDER

Considering Shell Chemical LP's Motion for Certification Under 28 U.S.C. § 1292(b), the Court hereby grants the Motion for Certification and expressly finds, pursuant to 28 U.S.C. § 1292(b) and Rule 5(a)(3) of the Federal Rules of Appellate Procedure, that the Court's Judgment (doc. #741) and Memorandum Ruling (doc. #740) entered on September 1, 2006 on the motion for summary judgment filed by Shell Chemical LP to dismiss all of Plaintiffs' claims as time-barred, which granted the motion "to the extent that all claims for injuries that occurred prior to August 15, 2002 have prescribed and are hereby dismissed" involve a controlling question of law as to which there is a substantial ground for difference of opinion and that an immediate appeal from the Judgment and Memorandum Ruling as authorized by 28 U.S.C. § 1292(b) and this certification Order may materially advance the ultimate termination of the litigation. A decision from the Fifth Circuit on the legal question presented may result in the dismissal of Shell Chemical LP as a party defendant and streamline the remaining issues in this case.

Pursuant to 28 U.S.C. § 1292(b) and Rule 5(a)(3) of the Federal Rules of Appellate Procedure, Shell Chemical LP shall have ten days from the entry of this Order to file a Petition for Permission to Appeal in the United States Court of Appeals for the Fifth Circuit.

Lake Charles, Louisiana, this 4th day of October, 2006.

James T. Trimble, Jr.
UNITED STATES DISTRICT JUDGE